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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/249,489 | 02/12/1999 | TETSUJIRO KONDO | 80398.P198 | 9991 |

7590 03/16/2004

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EXAMINER .

CHAUDRY, MUJTABA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2133

DATE MAILED: 03/16/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/249,489

Applicant(s)

KONDO ET AL.

Examiner

Mujtaba K Chaudry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 and 78-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 and 78-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to previously amended claims 1, 4, 13-16, 19, 20, 28, 30, 39-42, 48, 50-52, 54-55, 61, 63, 64, 66, 68, 70-75, 80-84, 88-92 and 95-96, cancelled claim 77 and original claims 2-3, 5-12, 17-18, 21-27, 29, 31-38, 43-47, 49, 53, 56-60, 62, 65, 67, 69, 76, 78-79, 85-87 and 93-94 filed December 08, 2003 have been fully considered but are not persuasive. The Examiner would like to point out that this action is made.

Applicants contend, "Waibel discloses receiving a stream of speech utterances into a speech recognition engine 14." The Examiner disagrees. Waibel clearly teaches in Figure 1 the analog input is fed to Input Electronics 23 first and then to the Speech Recognition Engine 14.

Applicants contend, "Waibel does not teach or suggest any techniques for recovering errors in encoded image data." The Examiner disagrees. Claim 1 of the present application states in part, "...generating hypotheses for lost/damaged data within a **received bitstream** of encoded image data..." The Examiner would like to point out that data in a bitstream is still data whether image or speech data. Also, the Examiner would like to point out that the preamble of the claim which states "a method for recovery of lost/damaged data comprising:" which is clearly taught by Waibel (See office action, paper No. 19). Furthermore, in response to Applicants arguments that "analog data such as speech data, is well known in the art as requiring different processing methodologies than digital data..." The Examiner disagrees. These methodologies are not claimed in the claim language. As stated previously, Waibel teaches (Figure 1) that the analog

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signal that is received through the microphone 22 is sent to the Input Electronics 23, which has to have a mechanism such as an analog-to-digital converter to convert the analog signal to digital, since the Speech Recognition Engines 14-18 have to be computer controlled and thus have to be digital. The Examiner would like to point out that all computers are digital and only recognize digital data.

Applicants contend, "...the speech utterances received in Waibel cannot be properly interpreted as a bit-stream." The Examiner disagrees. By definition, a bit-stream is *a stream of bits transmitted*. And a bit is either 0 or 1 in a bit-stream. Therefore, an example of a digital bit-stream could be "01110101101." As stated previously, Waibel teaches (Figure 1) that the analog signal that is received through the microphone 22 is sent to the Input Electronics 23, which has to have a mechanism such as an analog-to-digital converter to convert the analog signal to digital, since the Speech Recognition Engines 14-18 have to be computer controlled and thus have to be digital.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1-76 and 78-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel et al. (USPN 5712957). See paper No. 19.

The Examiner disagrees with the Applicant and maintains rejections of previously amended claims 1, 4, 13-16, 19, 20, 28, 30, 39-42, 48, 50-52, 54-55, 61, 63, 64, 66, 68, 70-75, 80-84, 88-92 and 95-96 and original claims 2-3, 5-12, 17-18, 21-27, 29, 31-38, 43-47, 49, 53, 56-60, 62, 65, 67, 69, 76, 78-79, 85-87 and 93-94. All arguments have been considered. It is the Examiner's conclusion that amended claims 1, 4, 13-16, 19, 20, 28, 30, 39-42, 48, 50-52, 54-55, 61, 63, 64, 66, 68, 70-75, 80-84, 88-92 and 95-96, cancelled claim 77 and original claims 2-3, 5-12, 17-18, 21-27, 29, 31-38, 43-47, 49, 53, 56-60, 62, 65, 67, 69, 76, 78-79, 85-87 and 93-94 are not patentably distinct or non-obvious over the prior art of record (See paper No. 19).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is invited to read/review additional pertinent prior arts included herein.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

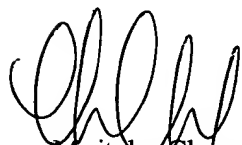
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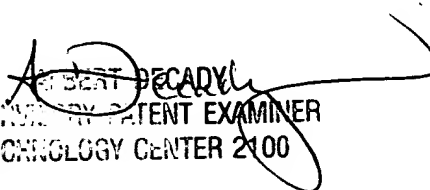
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiries concerning this communication should be directed to the examiner, Mujtaba Chaudry who may be reached at 703-305-7755. The examiner may normally be reached Mon – Thur 7:30 am to 4:30 pm and every other Fri 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Albert DeCady at 703-305-9595. The fax phone number for the organization where this application is assigned is 703-746-7239.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist at 703-305-3900.


Mujtaba Chaudry
Art Unit 2133
March 10, 2004


ALBERT DECADY
SUPERVISOR, PATENT EXAMINER
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